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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

CHASOM BROWN, WILLIAM BYATT,
JEREMY DAVIS, CHRISTOPHER
CASTILLO, and MONIQUE TRUJILLO
individually and on behalf of all similarly
situated,

Plaintiffs,

vs.

GOOGLE LLC,

Defendant.

Case No.: 4:20-cv-03664-YGR-SVK

**DECLARATION OF RYAN J. MCGEE
IN SUPPORT OF GOOGLE LLC'S
ADMINISTRATIVE MOTION TO SEAL
PORTIONS OF GOOGLE'S MOTION
FOR SUMMARY JUDGMENT**

Judge: Hon. Yvonne Gonzalez Rogers

DECLARATION OF RYAN J. MCGEE

I, Ryan J. McGee attorney, declare as follows.

1. I am an associate with the law firm of Morgan and Morgan, counsel for Plaintiffs in this matter. I am an attorney at law duly licensed to practice before all courts of the State of Florida and admitted *pro hac vice* for this case. Dkt. 19. I have personal knowledge of the matters set forth herein and am competent to testify.

2. I am making this Declaration in support of Google LLC's ("Google") Administrative Motion to Seal Portions of Google's Motion for Summary Judgment. Dkt. 907. In making this request, Plaintiffs have carefully considered the relevant legal standard and policy considerations outlined in Civil Local Rule 79-5 for the portions that Google has identified and that Plaintiffs designated as confidential under the Protective Order.

3. On March 21, 2023, Google filed an Administrative Motion to Seal Portions of Google's Motion for Summary Judgment. Dkt. 907.

4. On March 30, 2023, the parties stipulated to mutual extensions of time concerning sealing (Dkt. 912), which this Court granted. Dkt. 920.

5. Per this Court's Standing Order ¶12(a) Plaintiffs hereby indicate that they join Google's administrative motion as it relates to the materials that Plaintiffs have identified as containing confidential and personally identifying information.

6. I have reviewed the documents that Google seeks to file under seal pursuant to Civil Local Rule 79-5, unredacted versions of which have been filed at Docket Entry 907. Based on my review, there is good cause to seal the following information:

Document	Basis for Sealing
Broome Declaration Ex. 11	The portions sought to be sealed associate one or more of the named Plaintiffs with detailed amounts of money paid for services, identification of those services, and when those services were used. Such information has the potential to be used maliciously to harm plaintiffs, like accessing their accounts. <i>See, e.g., Adkins v. Facebook, Inc.</i> , 424 F. Supp. 3d 686, 689 (N.D. Cal. 2019) (recognizing that identifiers and other detailed data could enable malicious actors to access consumers' accounts); <i>McDonald v. CP OpCo, LLC</i> , 2019 WL 34370, at *9
Plaintiff William Byatt's Objections and Responses to Defendant's Third Set of Requests for Admission (Nos. 22-29)	
Highlighted Portions at Pages 7:9-10, 7:12-13.	

1		(N.D. Cal. Jan. 28, 2019). Plaintiffs also have a privacy interest in protecting such information and forcing them to divulge it as part and parcel to bringing this case puts them in an impossible situation which has been called “Orwellian” on more than one occasion. <i>See, e.g., In re Anthem, Inc. Data Breach Litig.</i> , 2016 WL 11505231, at *1 (N.D. Cal. Apr. 8, 2016).
2		
3		
4		
5	Broome Declaration Ex. 16	The portions sought to be sealed associate one or more of the named Plaintiffs with identifiers (<i>e.g.</i> , email address),
6	Plaintiff Chasom Brown’s Objections	their locations, and information related to their browsing.
7	and Responses to Defendant’s First	Such information has the potential to reveal their
8	Set of Interrogatories (Nos. 1-6)	identities and then be used maliciously to harm plaintiffs,
9		like accessing their accounts. <i>See, e.g., Adkins</i> , 424 F.
10	Highlighted Portions at Pages 4:13,	Supp. 3d at 689 (recognizing that identifiers enable
11	4:17-19, 4:21, 7:5-7, 7:10.	malicious actors to access consumers’ accounts);
12		<i>McDonald</i> , 2019 WL 34370, at *9 (sealing email
13		addresses, recognizing that the email addresses “could
14		become a vehicle for improper purposes”). Plaintiffs also
15		have a privacy interest in protecting such information and
16		forcing them to divulge it as part and parcel to bringing
17		this case puts them in an impossible situation which has
18		been called “Orwellian” on more than one occasion. <i>See,</i>
19		<i>e.g., In re Anthem</i> , 2016 WL 11505231, at *1.
20	Broome Declaration Ex. 17	The portions sought to be sealed associate one or more of
21	Plaintiff William Byatt’s Objections	the named Plaintiffs with identifiers (<i>e.g.</i> , email address),
22	and Responses to Defendant’s First	their locations, and information related to their browsing.
23	Set of Interrogatories (Nos. 1-6)	Such information has the potential to reveal their
24		identities and then be used maliciously to harm plaintiffs,
25		like accessing their accounts. <i>See, e.g., Adkins</i> , 424 F.
26		Supp. 3d at 689 (recognizing that identifiers enable
27	Highlighted Portions at Pages 4:13-15,	malicious actors to access consumers’ accounts);
28	4:17-18, 4:20-21, 7:1-2, 7:5.	<i>McDonald</i> , 2019 WL 34370, at *9 (sealing email
		addresses, recognizing that the email addresses “could
		become a vehicle for improper purposes”). Plaintiffs also
		have a privacy interest in protecting such information and
		forcing them to divulge it as part and parcel to bringing
		this case puts them in an impossible situation which has
		been called “Orwellian” on more than one occasion. <i>See,</i>
		<i>e.g., In re Anthem</i> , 2016 WL 11505231, at *1.

1	Broome Declaration Ex. 18	The portions sought to be sealed associate one or more of the named Plaintiffs with identifiers (<i>e.g.</i> , email address),
2	Plaintiff Christopher Castillo's	their locations, and information related to their browsing.
3	Objections and Responses to	Such information has the potential to reveal their
4	Defendant's First Set of	identities and then be used maliciously to harm plaintiffs,
5	Interrogatories (Nos. 1-6)	like accessing their accounts. <i>See, e.g., Adkins</i> , 424 F.
6		Supp. 3d at 689 (recognizing that identifiers enable
7	Highlighted Portions at Pages 4:13-15,	malicious actors to access consumers' accounts);
8	4:17-20, 4:22, 5:7, 7:2-8.	<i>McDonald</i> , 2019 WL 34370, at *9 (sealing email
9		addresses, recognizing that the email addresses "could
10		become a vehicle for improper purposes"). Plaintiffs also
11		have a privacy interest in protecting such information and
12		forcing them to divulge it as part and parcel to bringing
13		this case puts them in an impossible situation which has
14		been called "Orwellian" on more than one occasion. <i>See,</i>
15		<i>e.g., In re Anthem</i> , 2016 WL 11505231, at *1.
16	Broome Declaration Ex. 19	The portions sought to be sealed associate one or more of
17	Plaintiff Jeremy Davis' Objections and	the named Plaintiffs with their locations, and information
18	Responses to Defendant's First Set of	related to their browsing. Such information has the
19	Interrogatories (Nos. 1-6)	potential to reveal their identities and then be used
20		maliciously to harm plaintiffs, like accessing their
21	Highlighted Portions at Pages 4:13,	accounts. <i>See, e.g., Adkins</i> , 424 F. Supp. 3d at 689
22	4:16, 7:6.	(recognizing that identifiers enable malicious actors to
23		access consumers' accounts); <i>McDonald</i> , 2019 WL
24		34370, at *9 (sealing email addresses, recognizing that
25		the email addresses "could become a vehicle for improper
26		purposes"). Plaintiffs also have a privacy interest in
27		protecting such information and forcing them to divulge
28		it as part and parcel to bringing this case puts them in an
		impossible situation which has been called "Orwellian"
		on more than one occasion. <i>See, e.g., In re Anthem</i> , 2016
		WL 11505231, at *1.
	Broome Declaration Ex. 20	The portions sought to be sealed associate one or more of
	Plaintiff Chasom Brown's Verified	the named Plaintiffs their locations, and information
	Amended Objections and Responses	related to their browsing. Such information has the
	to Defendant Interrogatories 1, 4, and	potential to reveal their identities and then be used
	5	maliciously to harm plaintiffs, like accessing their
	Highlighted Portions at Pages 4:6,	accounts. <i>See, e.g., Adkins</i> , 424 F. Supp. 3d at 689
	4:11, 5:10-13, 5:15-16, 6:10-12, 6:15,	(recognizing that identifiers enable malicious actors to
	7:5-8, 7:11.	access consumers' accounts); <i>McDonald</i> , 2019 WL
		34370, at *9 (sealing email addresses, recognizing that
		the email addresses "could become a vehicle for improper
		purposes"). Plaintiffs also have a privacy interest in
		protecting such information and forcing them to divulge
		it as part and parcel to bringing this case puts them in an
		impossible situation which has been called "Orwellian"
		on more than one occasion. <i>See, e.g., In re Anthem</i> , 2016
		WL 11505231, at *1.

1 2 3 4 5 6 7 8 9	Broome Declaration Ex. 21 Plaintiff William Byatt's Verified Amended Objections and Responses to Defendant Interrogatories 1, 4, and 5 Highlighted Portions at Pages 4:6, 5:10-13, 5:15-16, 6:10-11, 6:14, 7:3-5, 7:8.	The portions sought to be sealed associate one or more of the named Plaintiffs their locations, and information related to their browsing. Such information has the potential to reveal their identities and then be used maliciously to harm plaintiffs, like accessing their accounts. <i>See, e.g., Adkins</i> , 424 F. Supp. 3d at 689 (recognizing that identifiers enable malicious actors to access consumers' accounts); <i>McDonald</i> , 2019 WL 34370, at *9 (sealing email addresses, recognizing that the email addresses "could become a vehicle for improper purposes"). Plaintiffs also have a privacy interest in protecting such information and forcing them to divulge it as part and parcel to bringing this case puts them in an impossible situation which has been called "Orwellian" on more than one occasion. <i>See, e.g., In re Anthem</i> , 2016 WL 11505231, at *1.
10 11 12 13 14 15 16 17 18	Broome Declaration Ex. 22 Plaintiff Christopher Castillo's Verified Amended Objections and Responses to Defendant Interrogatories 1, 4, and 5 Highlighted Portions at Pages 4:6, 5:10-18, 6:12-18, 7:7-14.	The portions sought to be sealed associate one or more of the named Plaintiffs their locations, and information related to their browsing. Such information has the potential to reveal their identities and then be used maliciously to harm plaintiffs, like accessing their accounts. <i>See, e.g., Adkins</i> , 424 F. Supp. 3d at 689 (recognizing that identifiers enable malicious actors to access consumers' accounts); <i>McDonald</i> , 2019 WL 34370, at *9 (sealing email addresses, recognizing that the email addresses "could become a vehicle for improper purposes"). Plaintiffs also have a privacy interest in protecting such information and forcing them to divulge it as part and parcel to bringing this case puts them in an impossible situation which has been called "Orwellian" on more than one occasion. <i>See, e.g., In re Anthem</i> , 2016 WL 11505231, at *1.
19 20 21 22 23 24 25 26 27 28	Broome Declaration Ex. 23 Plaintiff Jeremy Davis' Verified Amended Objections and Responses to Defendant Interrogatories 1, 4, and 5 Highlighted Portions at Pages 4:7, 5:10-13, 5:15-17, 6:15, 7:10.	The portions sought to be sealed associate one or more of the named Plaintiffs their locations, and information related to their browsing. Such information has the potential to reveal their identities and then be used maliciously to harm plaintiffs, like accessing their accounts. <i>See, e.g., Adkins</i> , 424 F. Supp. 3d at 689 (recognizing that identifiers enable malicious actors to access consumers' accounts); <i>McDonald</i> , 2019 WL 34370, at *9 (sealing email addresses, recognizing that the email addresses "could become a vehicle for improper purposes"). Plaintiffs also have a privacy interest in protecting such information and forcing them to divulge it as part and parcel to bringing this case puts them in an impossible situation which has been called "Orwellian" on more than one occasion. <i>See, e.g., In re Anthem</i> , 2016 WL 11505231, at *1.

1 2 3 4 5 6 7 8 9	Broome Declaration Ex. 28 Plaintiff Monique Trujillo's Objections and Responses to Defendant's First and Second Set of Interrogatories (Nos. 3 & 10) Highlighted Portions at Pages 3:12, 4:13, 4:16-17, 4:20, 6:12-17, 7:11-13, 7:15.	The portions sought to be sealed associate one or more of the named Plaintiffs with identifiers (<i>e.g.</i> , email address), their locations, and information related to their browsing. Such information has the potential to reveal their identities and then be used maliciously to harm plaintiffs, like accessing their accounts. <i>See, e.g., Adkins</i> , 424 F. Supp. 3d at 689 (recognizing that identifiers enable malicious actors to access consumers' accounts); <i>McDonald</i> , 2019 WL 34370, at *9 (sealing email addresses, recognizing that the email addresses "could become a vehicle for improper purposes"). Plaintiffs also have a privacy interest in protecting such information and forcing them to divulge it as part and parcel to bringing this case puts them in an impossible situation which has been called "Orwellian" on more than one occasion. <i>See, e.g., In re Anthem</i> , 2016 WL 11505231, at *1.
10 11 12 13 14 15 16 17 18	Broome Declaration Ex. 30 Plaintiff William Byatt's Objections and Responses to Defendant's Fourth Set of Interrogatories (Nos. 12-15) Highlighted Portions at Pages 4:16-17, 4:19-20.	The portions sought to be sealed associate one or more of the named Plaintiffs with detailed amounts of money paid for services, identification of those services, and when those services were used. Such information has the potential to be used maliciously to harm plaintiffs, like accessing their accounts. <i>See, e.g., Adkins</i> , 424 F. Supp. 3d at 689 (recognizing that identifiers and other detailed data could enable malicious actors to access consumers' accounts); <i>McDonald</i> , 2019 WL 34370, at *9. Plaintiffs also have a privacy interest in protecting such information and forcing them to divulge it as part and parcel to bringing this case puts them in an impossible situation which has been called "Orwellian" on more than one occasion. <i>See, e.g., In re Anthem</i> , 2016 WL 11505231, at *1.
19 20 21 22 23 24 25 26 27 28	Broome Declaration Ex. 39 Plaintiffs' Objections and Responses to Defendant's Sixth Set of Interrogatories (No. 17) Highlighted Portions at Pages 7:11-13, 7:16-17, 7:20, 8:2-3, 8:6-7, 12:24- 13:1.	The portions sought to be sealed associate one or more of the named Plaintiffs their locations, and information related to their browsing. Such information has the potential to reveal their identities and then be used maliciously to harm plaintiffs, like accessing their accounts. <i>See, e.g., Adkins</i> , 424 F. Supp. 3d at 689 (recognizing that identifiers enable malicious actors to access consumers' accounts); <i>McDonald</i> , 2019 WL 34370, at *9 (sealing email addresses, recognizing that the email addresses "could become a vehicle for improper purposes"). Plaintiffs also have a privacy interest in protecting such information and forcing them to divulge it as part and parcel to bringing this case puts them in an impossible situation which has been called "Orwellian" on more than one occasion. <i>See, e.g., In re Anthem</i> , 2016 WL 11505231, at *1.

<p>Broome Declaration Ex. 77</p> <p>Plaintiffs' April 15, 2022 Expert Report of Jonathan E. Hochman</p> <p>Highlighted Portions of Report at ¶¶ 88-90, 115, 174-78, 224-25, 234, 236, 243, 246-47.</p> <p>Highlighted Portions of Appendix B at ¶¶ 11-13, 18-23; Pages 17-36.</p> <p>Highlighted Portions of Appendix G at ¶¶ 7-8, 24, 26.</p> <p>Highlighted Portions of Appendix H at Table of Contents; ¶¶ 1-41.</p>	<p>The portions sought to be sealed associate one or more of the named Plaintiffs (and/or their consultants or experts) with identifiers (e.g., IP address, unique cookie values, device identifiers, account identifiers, and times and locations when pages were visited) and information related to their browsing. Such information has the potential to reveal their identities and then be used maliciously to harm plaintiffs (or their consultants or experts) like accessing their accounts. <i>See, e.g., Adkins</i>, 424 F. Supp. 3d at 689 (recognizing that identifiers enable malicious actors to access consumers' accounts); <i>McDonald</i>, 2019 WL 34370, at *9 (sealing email addresses, recognizing that the email addresses "could become a vehicle for improper purposes"). Plaintiffs also have a privacy interest in protecting such information and forcing them to divulge it as part and parcel to bringing this case puts them in an impossible situation which has been called "Orwellian" on more than one occasion. <i>See, e.g., In re Anthem</i>, 2016 WL 11505231, at *1.</p>
<p>Broome Declaration Ex. 85</p> <p>Declaration of Jonathan McPhie Regarding Google Disclosures</p> <p>Highlighted Portions at Pages 22:21, 22:23, 22:25, 23:2, 23:4, 23:6</p>	<p>The portions sought to be sealed associate one or more of the named Plaintiffs with identifiers (e.g., email address) and information related to their account creation. Such information has the potential to reveal their identities and then be used maliciously to harm plaintiffs, like accessing their accounts. <i>See, e.g., Adkins</i>, 424 F. Supp. 3d at 689 (recognizing that identifiers enable malicious actors to access consumers' accounts); <i>McDonald</i>, 2019 WL 34370, at *9 (sealing email addresses, recognizing that the email addresses "could become a vehicle for improper purposes"). Plaintiffs also have a privacy interest in protecting such information and forcing them to divulge it as part and parcel to bringing this case puts them in an impossible situation which has been called "Orwellian" on more than one occasion. <i>See, e.g., In re Anthem</i>, 2016 WL 11505231, at *1.</p>

7. Furthermore, "an individual's privacy interest" is a compelling reason to seal a document. *Nursing Home Pension Fund v. Oracle Corp.*, No. C01-0100988 MJJ, 2007 WL 3232267, at *2 (N.D. Cal. Nov. 1, 2007) (allowing redaction of home addresses and financial account information); *Pension Plan for Pension Tr. Fund for Operating Eng'rs. v. Giacalone Elec. Servs., Inc.*, No. 13-cv-02338-SI, 2015 WL 3956143, at *10 (N.D. Cal. June 29, 2015).

1 8. Additionally, public exposure of the information that Plaintiffs seek to seal could
2 subject Plaintiffs to a risk of identity theft. *See, e.g., Kowalsky v. Hewlett-Packard Co.*, 2012 WL
3 892427, at *2 (N.D. Cal. Mar. 14, 2012) (sealing “name, address, phone number, and email
4 address”).

5 9. Since these requests are narrowly tailored, they should not interfere with the
6 public’s ability to understand the judicial process and the matters at issue in this case.

7 10. A similar request to seal was previously granted in this case, which concerned the
8 same categories of information and similar (if not also the same) documents. *See* Dkt. 804 at 32
9 (sealing Hochman expert report); *see* Dkt. 804 at 34–36 (sealing Plaintiffs’ discovery responses).

10 11. A similar request to seal was also granted in the related case of *Calhoun v. Google*
11 *LLC*, No. 4:20-cv-05146-YGR-SVK (N.D. Cal.), Dkt. 198 (sealing *Calhoun* plaintiffs’ web
12 browsing history and information). Courts routinely grant motions to seal this kind of information,
13 even under the more demanding standard applicable to materials filed in connection with
14 dispositive motions. *See Cancino Casteallar v. Mayorkas*, No. 17-CV-491-BAS-AHG, 2021 WL
15 3678440, at *3 (S.D. Cal. Aug. 19, 2021) (collecting cases); *Am. Auto. Ass’n of N. Calif., Nev. &*
16 *Utah v. Gen. Motors LLC*, No. 17-CV-3874-LHK, 2019 WL 1206748, at *2 (N.D. Cal. Mar. 14,
17 2019) (finding compelling reasons to seal “names, addresses, phone numbers, and email
18 addresses”).

19 12. If the Court were to deny sealing this information, Plaintiffs could be subjected to
20 a heightened risk of injury, including identity theft. I was personally involved at all stages of the
21 litigation in *Adkins v. Facebook, Inc.*, No. 3:18-cv-05982-WHA (N.D. Cal.) including expert
22 discovery and related motions practice. I personally presented plaintiffs’ tutorial before Judge
23 Alsup with two cybersecurity experts (one of whom served as plaintiffs’ testifying expert) to
24 discuss data breaches. No. 3:18-cv-05982-WHA, Dkts. 20, 65.

